

REMARKS

Claims 22-50 are currently pending in the subject application and are presently under consideration. Claims 27 and 29-37 have been amended as shown on pages 2 to 6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 29-36 Under 35 U.S.C §112

Claims 29-36 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants' representative appreciates Examiner's suggestion that claims 29-36 should be amended to depend from claim 22 and not claim 1. These claims have been amended in accordance with this suggestion, and thus, this rejection should be withdrawn.

II. Rejection of Claims 22-31 and 33-50 Under 35 U.S.C. §103(a)

Claims 22-31 and 33-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chan, *et al.* (US 6,381,603) in view of Kari, *et al.* (US 6,154,745). It is requested that this rejection be withdrawn for at least the following reason. Chan, *et al.* and Kari, *et al.*, when taken either alone or in combination, fail to teach or suggest all aspects recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The subject matter claimed herein relates to dynamically pushing information to users of global positioning systems (GPS) based at least in part on the location of the user at a given point in time. More specifically, independent claim 22 (and similarly amended claim 37, as well as

claims 43 and 49) recites *a document that comprises information associated with a geographic region; and a component that **automatically directs the document to a user upon entrance into the geographic region***. Chan, *et al.* and Kari, *et al.* fail to teach or suggest these features alone or in combination.

Chan, *et al.* relates to a system containing a database whose entries include stores that are indexed with respect to merchandise information, descriptions, position coordinates according to GPS, *etc.* The user of a GPS is able to query the database with desired criteria including the location of the user at that point in time – such location can be acquired from the GPS. The query results are returned and filtered based on the user's location and desired search radius distance. However, Chan, *et al.* fails to teach a component that **automatically directs the document to a user upon entrance into the geographic region**.

The Examiner, though conceding that Chan, *et al.* fails to teach **automatically** directing the document, asserts that Chan, *et al.* teaches directing a document to a user upon entrance into the geographic region. It could be argued that the user is typically in a geographic region at all times and so the document would always be directed to the user while in a geographic location. However, in the subject matter claimed herein, the directing of the document is tied to the user's entrance into the geographic region such that the directing of the document is automatically triggered by this event. Thus, this is an explicitly claimed feature, and not a side-effect of the general function of GPS type systems as in Chan, *et al.* The Examiner further offers Kari, *et al.* to cure the deficiency with respect to **automatically** directing the document.

Kari, *et al.* generally relates to a system for providing users with location-specific searching while traveling. This is achieved in short by receiving the user's current location and querying a desired database specifying the location by which the results are to be filtered. Like Chan, *et al.*, however, Kari, *et al.* fails to teach a component that **automatically directs the document to a user upon entrance into the geographic region**.

The Examiner cites column 16, lines 18-25 of Kari, *et al.* as teaching automatically directing a document to a user upon entrance into a geographic region. However, while Kari, *et al.* recites "information is updated automatically, i.e. during the trip of the user," it fails to disclose the trigger for the automatic updating – *e.g.* that the updating of information is caused by the entrance into a geographic region as recited in the subject claims. Merely disclosing automatically updating as in Kari, *et al.* does not render obvious doing so upon the user entering

a geographic region. What distinguishes applicants' claimed subject matter and is not rendered obvious by the prior art is such automatic direction of information to a user caused by that user entering a geographic region. In view of the foregoing, and because Chan, *et al.* and Kari, *et al.* are otherwise silent as to a component that ***automatically directs the document to a user upon entrance into the geographic region***, rejection of independent claims 22, 37, 43, and 49, as well as claims 23-31, 33-36, 38-42, 44-48, and 50 which respectively depend therefrom, should be withdrawn.

III. Rejection of Claim 32 Under 35 U.S.C. §103(a)

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chan, *et al.* in view of Kari, *et al.* and Dussell, *et al.* (US 5,938,721). It is requested that this rejection be withdrawn for at least the following reason. Chan, *et al.*, Kari, *et al.*, and Dussell, *et al.*, when taken either alone or in combination, fail to teach or suggest all aspects recited in the subject claims. More particularly, Dussell, *et al.* fails to make up for the aforementioned deficiencies of Chan, *et al.* and Kari, *et al.* with respect to claim 22, from which claim 32 depends. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [GLOBP102USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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